

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

11-CR-6160L

v.

FIRKON JAMES,

Defendant.

Defendant Firkon James (“James”) had previously filed motions for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A). This Court denied the motion (Dkt. #152) in a Decision filed July 14, 2020.

On March 18, 2022, James once again filed a motion to appoint counsel and to reduce sentence (Dkt. #160). The Government responded to the motion opposing it (Dkt. #162) and this Court entered a Decision and Order (Dkt. #163) on May 13, 2022 denying the motion for compassionate release.

That Decision was sent to Fort Dix FCI, James’ prior place of incarceration. A copy of that Decision was returned as undeliverable since apparently James had been transferred.

James filed a “Reply” (Dkt. #164) to the Government’s Response which was filed May 23, 2022. Because this filing was made after the Court’s Decision of May 13, 2022, I will treat James’ “Reply” as a motion for reconsideration.

The motion to reconsider and for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(1)(A) (Dkt. #164) is denied. For the Court to grant such a motion, defendant must

present extraordinary and compelling reasons to reduce a proper sentence. James has failed to do so as I have explained in prior Decisions denying his request for compassionate release. James' recent submission does not present anything substantially different from what was presented before.

CONCLUSION

Defendant's Reply which I treat as a motion for reconsideration (Dkt. #164) seeking compassionate release is in all respects DENIED.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David G. Larimer", is positioned above a horizontal line.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
June 14, 2022.